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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/853,170 | 05/10/2001 | Yuhichi Nakamura | JP920000106US1 | 5940 |

7590 11/03/2006

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
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SUITE 340
RESTON, VA 20190

EXAMINER

KESACK, DANIEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3691

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/853,170 | | NAKAMURA ET AL. | |
| | Examiner | | Art Unit | |
| | Dan Kesack | | 3691 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed August 16, 2006 has been entered and fully considered.

Claims 1-19 are currently pending. The rejections are as stated below.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 6, 12, 16, 17, 19 remain rejected under 35 U.S.C. 102(e) as being anticipated by Makipaa, U.S. Patent No. 6,394,341.

4. Claim 11 remains rejected under 35 U.S.C. 102(e) as being anticipated by Chancey, U.S. Patent No. 5,842,185.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 4 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa, in view of Goldsmith, U.S. Patent No. 6,064,990.

7. Claim 5 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa, in view of Chancey, U.S. Patent No. 5,842,185 and Blonder, U.S. Patent No. 5,708,422.

8. Claims 7, 8, and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa, in view of Lawlor, U.S. Patent No. 5,870,724.

9. Claims 9 and 10 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor, U.S. Patent No. 5,870,724 in view of Blonder, U.S. Patent No. 5,708,422.

10. Claim 13 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa, in view of Chancey, U.S. Patent No. 5,842,185.

11. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa, in view of Blonder, U.S. Patent No. 5,708,422.

Response to Arguments

12. Applicant's arguments, see applicant's amendment, filed August 16, 2006, with respect to 35 U.S.C. 112, second paragraph, have been fully considered and are persuasive. The rejection of claim 9 under 35 U.S.C. 112, second paragraph, has been withdrawn.

13. Applicant's arguments filed August 16, 2006 with respect to the rejection of claims 1-19 under 35 U.S.C. 102 and 103 have been fully considered but they are not persuasive.

14. With respect to the Makipaa reference, Applicant argues that the reference does not include any discussion of household account information. Examiner respectfully disagrees, and notes in conducting examination, the claim language is given its broadest reasonable interpretation, in light of the specification, without reading limitations from the specification into the claims. While claim 19 of the Makipaa reference limits the role of the financial institution to that of the intermediate service provider, this is only one claimed embodiment. The financial institution and the intermediate service providers may be separate entities within the scope of the Makipaa invention. According to Makipaa, when the user adds addition information to the electronic receipt along with a verification signature, which is verified at the service provider (column 4 line 49 – column 5 line 16). This addresses the problem of

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unidirectional flow of information because the user is transmitting the information within the electronic receipt.

While the Makipaa reference does not explicitly state "household account information", the phrase is reasonably interpreted to include any information pertaining to an account. Since a household can be a number of entities, including a single person, a family, or a company, any information pertaining to any type of account, such as the transaction information taught by Makipaa, can be considered "household account information". Therefore, Makipaa teaches the use of household account information, as applied in the previous Office Action. Furthermore, while Examiner maintains the household account information of Makipaa is, in fact, generated from bank account information, this limitation does not appear in the claims, and therefore is not considered to be a limiting feature.

Furthermore, Applicant asserts "the claimed invention requires a service provider to perform an analysis of household information, and, based on the results of the analysis, to provide additional information to the user terminal (8/16/06 amendment, page 13). Examiner respectfully maintains that Makipaa teaches these limitations at least within the passages provided in the previous Office Action, and reproduced on pages 12 and 13 of Applicant's amendment. Makipaa teaches the service provider analyzing purchases of the user (analyzing household account information) and providing additional information about the purchases (column 11 line 60 – column 12 line 16).

In response to Applicant's argument that the rejection of claims 3 and 4 is improper for an asserting of technical fact in an area of esoteric technology without support by citation of any reference work, Examiner respectfully disagrees. The claim language is clearly taught by Makipaa throughout the reference, and Applicant has presented no evidence to the contrary. Since Examiner has not taken Official Notice of the limitation, but rather has asserted that the limitation is taught within the reference, MPEP 2144.03 does not apply.

Regarding claim 4, Applicant's argument against the rejection is unclear. Examiner maintains that Makipaa teaches the intermediate service provider is a financial institution with which the user has an account (Makipaa, claim 19), and a change to this bank account information, such as a new transaction, results in an update, and therefore Makipaa teaches claim 4.

Regarding claim 6, Applicant asserts Makipaa teaches the transaction provider cannot be a bank or other financial institution, but only provides claim 19 as evidence. As noted above, while claim 19 represents one embodiment of Makipaa, the reference as a whole does not require this limitation of the invention, according to the disclosure. Therefore, the rejection is deemed proper.

The remaining arguments presented by the Applicant (8/16/06 Amendment, pages 15-17) are concerned with the "household account information" limitation, and the contention that Makipaa requires the role of a financial institution to be limited to that of an intermediate service provider, both of which have been addressed above.

Therefore, Examiner respectfully disagrees with said arguments, and the rejections presented in the previous Office Action are deemed proper, and are maintained.

Conclusion

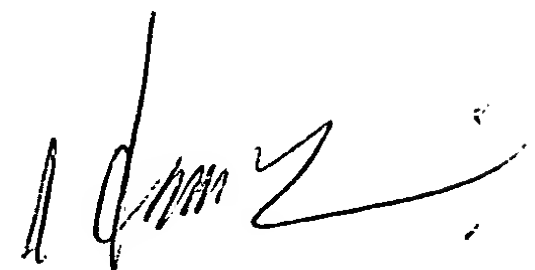
15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HANI M. KAZIMI
PRIMARY EXAMINER